

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DARNELL W. MOON,

Petitioner,

v.

CAROL HOLINKA, Warden,

Respondent.

ORDER

09-cv-681-slc

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Petitioner Darnell Moon has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and requests leave to proceed *in forma pauperis*. He supports his request for leave to proceed *in forma pauperis* with an affidavit of indigency and a copy of his trust fund account statement for the six-month period immediately preceding the filing of his petition.

In determining whether a petitioner is indigent for the purpose of filing a § 2241 petition, this court calculates the average monthly deposits and the average monthly balances in the petitioner's prison account for the six-month period mentioned above. If 20% of the greater of these two figures is \$5 or more, then the petitioner is not eligible for indigent status and must prepay all of the \$5 filing fee. If 20% of the greater of these two figures is less than \$5, the petitioner must prepay whatever portion of \$5 the 20% calculation works out to be.

Petitioner's trust fund account statement reveals that for the last six-month period he has maintained a zero balance in his account and has had no deposits. Therefore, I find that petitioner qualifies financially for indigent status. Petitioner's petition for a writ of habeas corpus will be taken under advisement for a decision whether an order should issue directing respondent to show cause why the petition should not be granted.

ORDER

IT IS ORDERED that petitioner Darnell Moon's request for leave to proceed *in forma pauperis* in this case is GRANTED. Petitioner's petition for a writ of habeas corpus is taken under advisement for a decision whether an order should issue directing respondent to show cause why the petition should not be granted. The parties will be notified as soon as a decision is reached.

Entered this 17<sup>th</sup> day of November, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge